

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 6, 2003 PLANNING COMMISSION MEETING

P.A.S.: SP #02023 Soil Excavation

PROPOSAL: To operate a soil excavation site.

LAND AREA: 41.94 acres, more or less. About 10 acres to be excavated.

CONCLUSION: Generally in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 23 and 24, Irregular Tracts, located in the SE 1/4 of Section 17, T9N, R8E.

LOCATION: Generally located at S. 134th Street and Pine Lake Road.

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: Farm land and a partial excavation site.

SURROUNDING LAND USE AND ZONING:

North:	Farm field	AG Agriculture
South:	Acreages	AG Agriculture
East:	Farm field	AG Agriculture
West:	One dwelling and Agriculture.	AG Agriculture

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as Agriculture in the Comprehensive Plan. This is outside the 2025 Future Service Limit. This is on the edge between Tiers II and III.

HISTORY: This area was changed to AG Agriculture in 1979. An excavation operation was begun and was closed for lack of permits.

SPECIFIC INFORMATION:

UTILITIES: No utilities available.

TOPOGRAPHY: Sloping down to the north and west.

TRAFFIC ANALYSIS: Pine Lake Road and S. 134th Street are gravel county roads.

PUBLIC SERVICE: This area is served by the Southeast Fire District, County Sheriff and is in the LES service area.

REGIONAL ISSUES: Additional heavy truck traffic on the gravel road used in hauling the excavated soil.

ENVIRONMENTAL CONCERNS: There are no Historic or Ecological resources identified on or near this site. There is flood plain (Stevens Creek) on the site, along the west side of this parcel, but not in the area of the excavation.

AESTHETIC CONSIDERATIONS: Shape of the earth during and following the completion of the operation.

ALTERNATIVE USES: Continued farming

ANALYSIS:

1. This proposal is for a special permit for a soil excavation operation on a 41.9 acre site generally located on the north of Pine Lake Road and immediately adjacent and west of South 134th Street. Grading cuts of up to 18 feet are proposed. About 10 acres is involved in the excavation operation.
2. The special permit provisions for mining and extraction of minerals in the AG district (27.63.360) refers to the conditions listed in the special permit section of sand, gravel and soil (27.63,160). These conditions are addressed by the applicant as follows;
 - a) The applicant provided a grading plan showing existing contours, and final contours.
 - b) The applicant states there will be no effect on groundwater and the water flow will remain the same.
 - c) There will be equipment stored on the site during the operation.
 - d) Erosion controls will be installed for Best Management practices as provided by the Lower Platte South Natural Resources District.
 - e) The property is currently agriculture and a partial excavation site. The top soil has/will be stripped off and redistributed on the site after excavation for continued agriculture use.

f) The applicant is requesting that no visual screening be required since this is a rural area and will be of short duration. All finished slopes will be of less than three to one.

g) All areas of cut will have topsoil installed and returned to agricultural use upon completion of the excavation. No area will be open for more than 8 months.

h) The applicant indicates they will operate Monday through Friday, from 7:00 AM to 7:00 PM, and Saturdays from 7:00 AM to noon.

3. Public Works notes no objections.
4. The Lower Platte NRD notes an NPDES permit is required.
5. The Lincoln Lancaster County Health Department notes several issues including fuel storage, erosion control and air pollution.
6. Building and Safety has not responded at this time.
7. The County Engineers letter of July 14th notes impacts on the gravel road and acreages along Pine Lake Road. They recommend a preferred truck route and will require dust control and a road maintenance agreement.

CONDITIONS:

Site Specific:

1. This approval permits soil, sand and gravel excavation for a period of one year, which may be renewed by administrative amendment, on an annual basis, for an additional three years. Screening is waived, but the entrance shall be gated and the area fenced.

General:

2. Before beginning excavation operations the permittee shall:
 - 2.1. Post a bond in the amount \$5,000 to guarantee erosion control and the restoration of topsoil and vegetation.
 - 2.2. Provide a plan showing the erosion control measures that are satisfactory to Public Works and the Lower Platte South NRD.

- 2.3 Provide an agreement with the County Engineer for access, county road maintenance, dust control and truck/equipment routes, as outlined in the Engineers letter of July 14, 2003.
- 2.4 Provide a dust control plan to the satisfaction of the Health Department.
- 2.5 Provide an agreement to the satisfaction of the Health Department to immediately clean up any fuel, petroleum product material spills or other potentially hazardous material spills, and any resulting contaminated soil or material and properly dispose of the same.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before excavation all development and construction is to comply with the approved plans.
 - 3.2 Before beginning this excavation operation the City/County Health Department is to approve the air quality permits and fuel storage issues.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

Mike DeKalb
Planner
July 24, 2003

APPLICANT: Henry R. Brandt
Brandt Excavation
404 Hill Street
P. O. Box 23014
Lincoln, NE 68542
(402) 474-4113

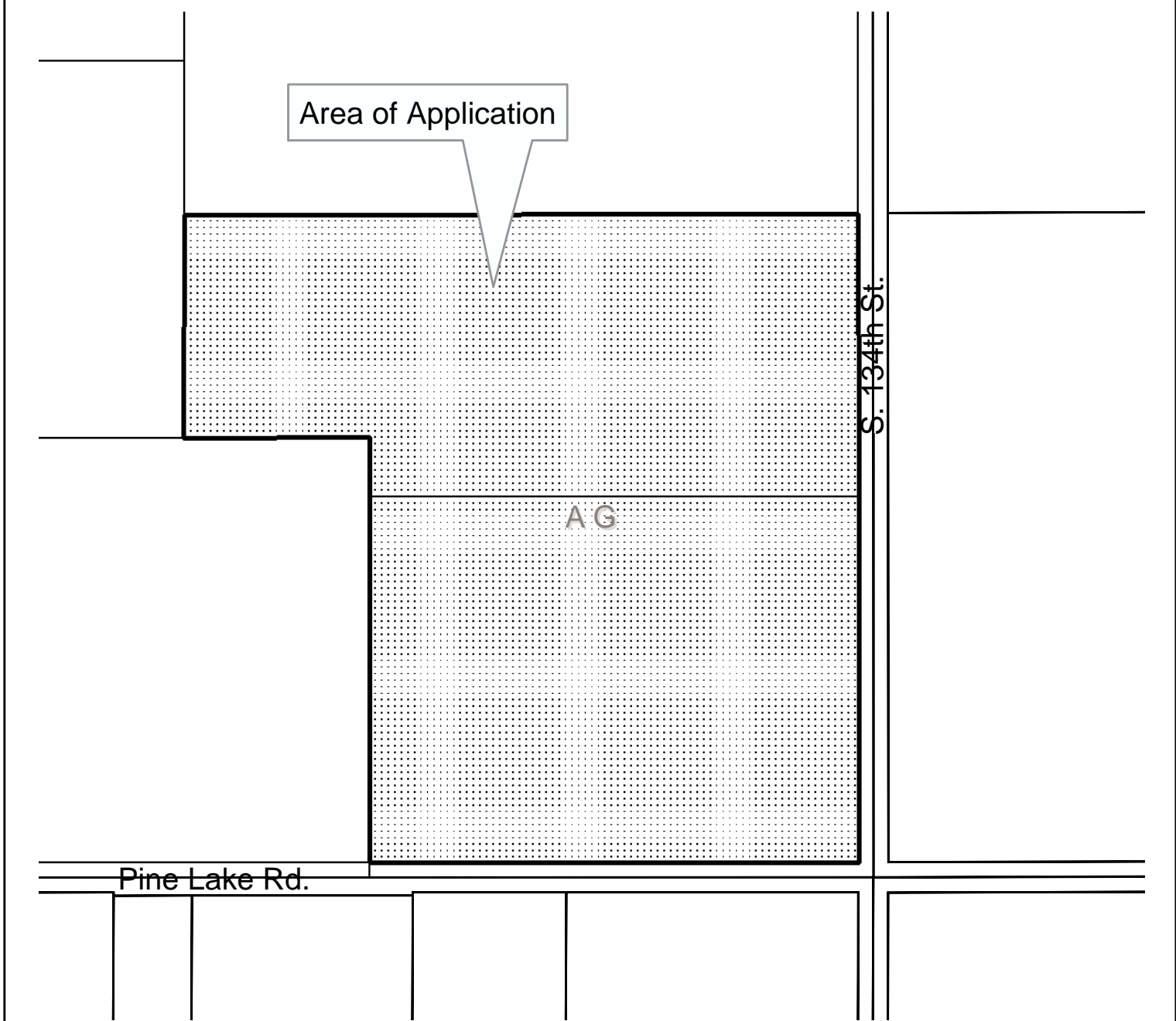
OWNER: Henry R. Brandt
13500 S.W. 2nd Street
Roca, NE 68430

CONTACT: Rick Brandt
404 Hill Street
P. O. Box 23014
Lincoln, NE 68542
(402) 474-4113



**Special Permit #2023
134th & Pine Lake Rd.**



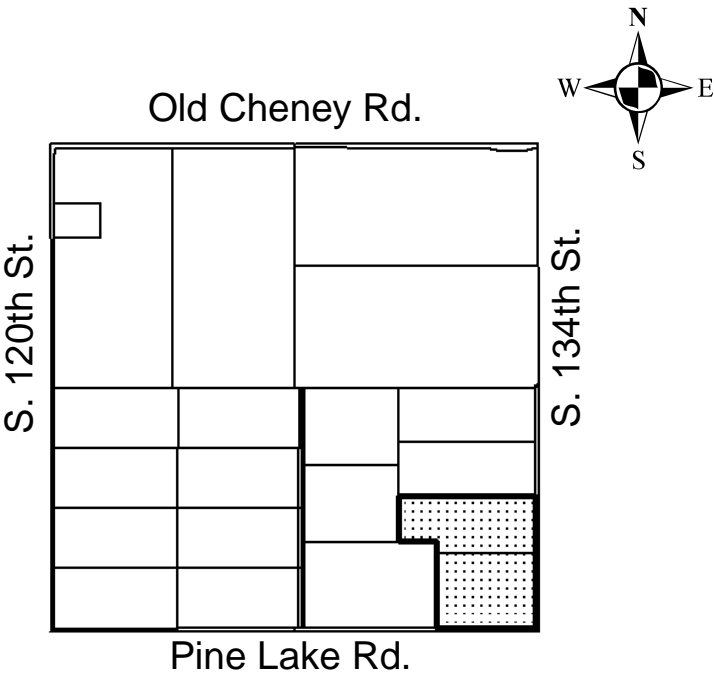
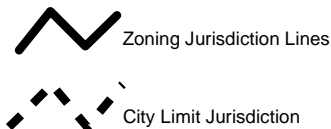


Special Permit #2023 134th & Pine Lake Rd.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Convension District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 17 T9N R8E



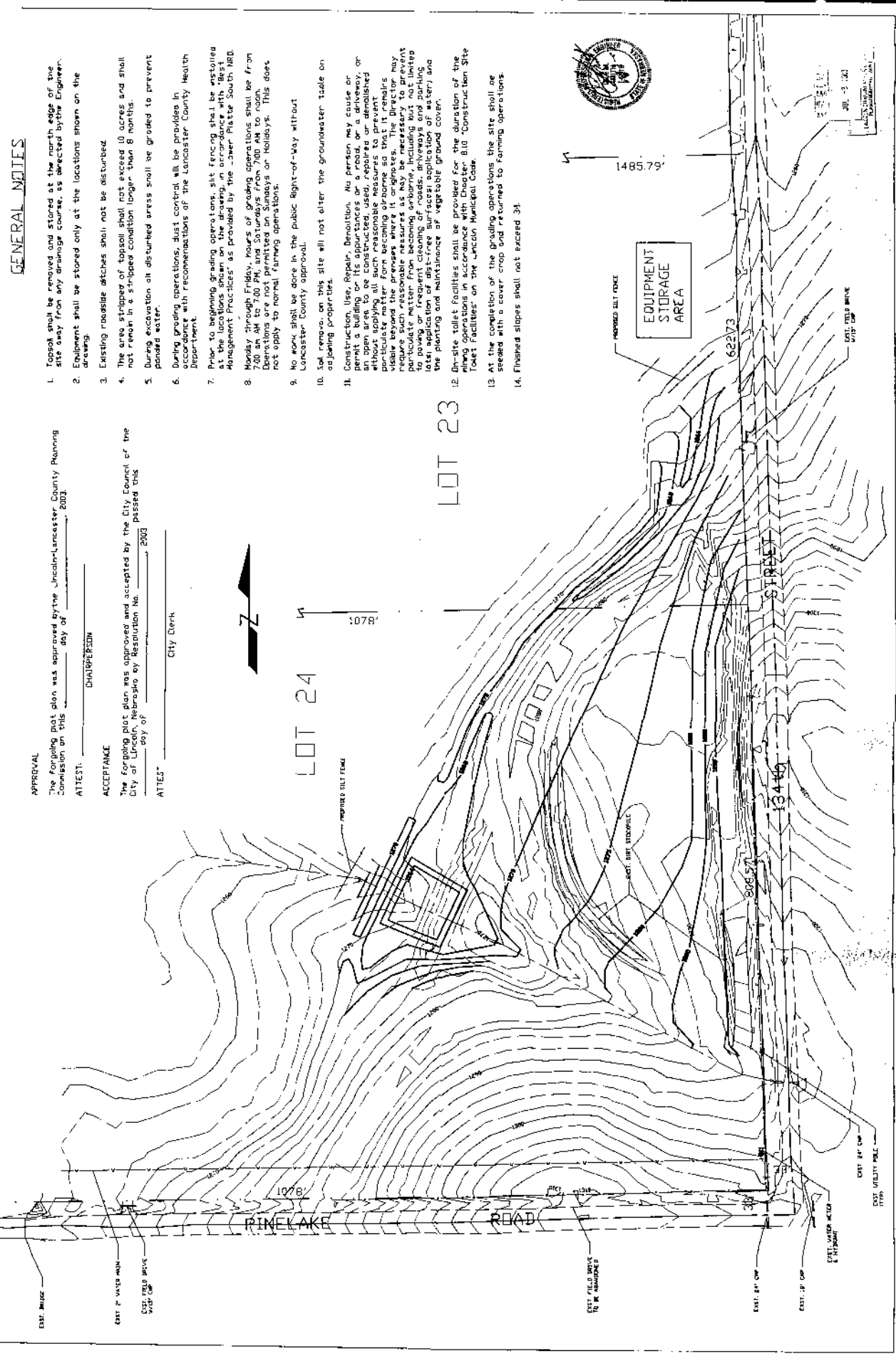
GENERAL NOTES

1. Topsoil shall be removed and stored at the north edge of the site away from any drainage course, as directed by the Engineer.
2. Equipment shall be stored only at the locations shown on the drawing.
3. Existing roadside ditches shall not be disturbed.
4. The area stripped of topsoil shall not exceed 10 acres and shall not remain in a striped condition longer than 18 months.
5. During excavation all disturbed areas shall be graded to prevent ponded water.
6. During grading operations, dust control will be provided in accordance with recommendations of the Lancaster County Health Department.
7. Prior to beginning grading operations, silt fencing shall be installed at the locations shown on the drawing, in accordance with "Best Management Practices" as provided by the "Soil Erosion Control Manual" published by the Nebraska Department of Agriculture.
8. Monday through Friday, hours of grading operations shall be from 7:00 AM to 7:00 PM, and Saturdays from 7:00 AM to noon. Grading operations are not permitted on Sundays or Holidays. This does not apply to normal farming operations.
9. No work shall be done in the public Right-of-Way without Lancaster County approval.
10. Soil removal on this site will not alter the groundwater table on adjoining properties.
11. Construction, Use, Repair, Demolition. No person may cause or permit a building or its appurtenances or a road, or a driveway, or any other structure to be constructed, used, repaired or demolished without applying all necessary precautions to prevent the discharge of particulate matter from becoming airborne so that it remains visible beyond the premises where it originates. The Director may require such reasonable measures as may be necessary to prevent such discharge. Such measures may include, but are not limited to, watering or frequent cleaning of roads, driveways and parking lots; application of dust-free surfacings; application of water; and the planting and maintenance of vegetation ground cover.
12. On-site toilet facilities shall be provided for the duration of the mining operations in accordance with Chapter 8.10 "Construction Site Toilet Facilities" on the Lincoln Municipal Code.
13. At the completion of the grading operations the site shall be seeded with a cover crop and returned to farming operations.
14. Finished slopes shall not exceed 3:1.

APPROVAL
The foregoing plat plan was approved by the Lincoln-Lancaster County Planning Commission on this _____ day of _____, 2003.
ATTEST: _____
CITY CLERK

ACCEPTANCE
The foregoing plat plan was approved and accepted by the City Council of the City of Lincoln, Nebraska by Resolution No. _____, 2003.
ATTEST: _____
CITY CLERK

LOT 23
LOT 24



Special Permit #2023
134th & Pine Lake Rd.

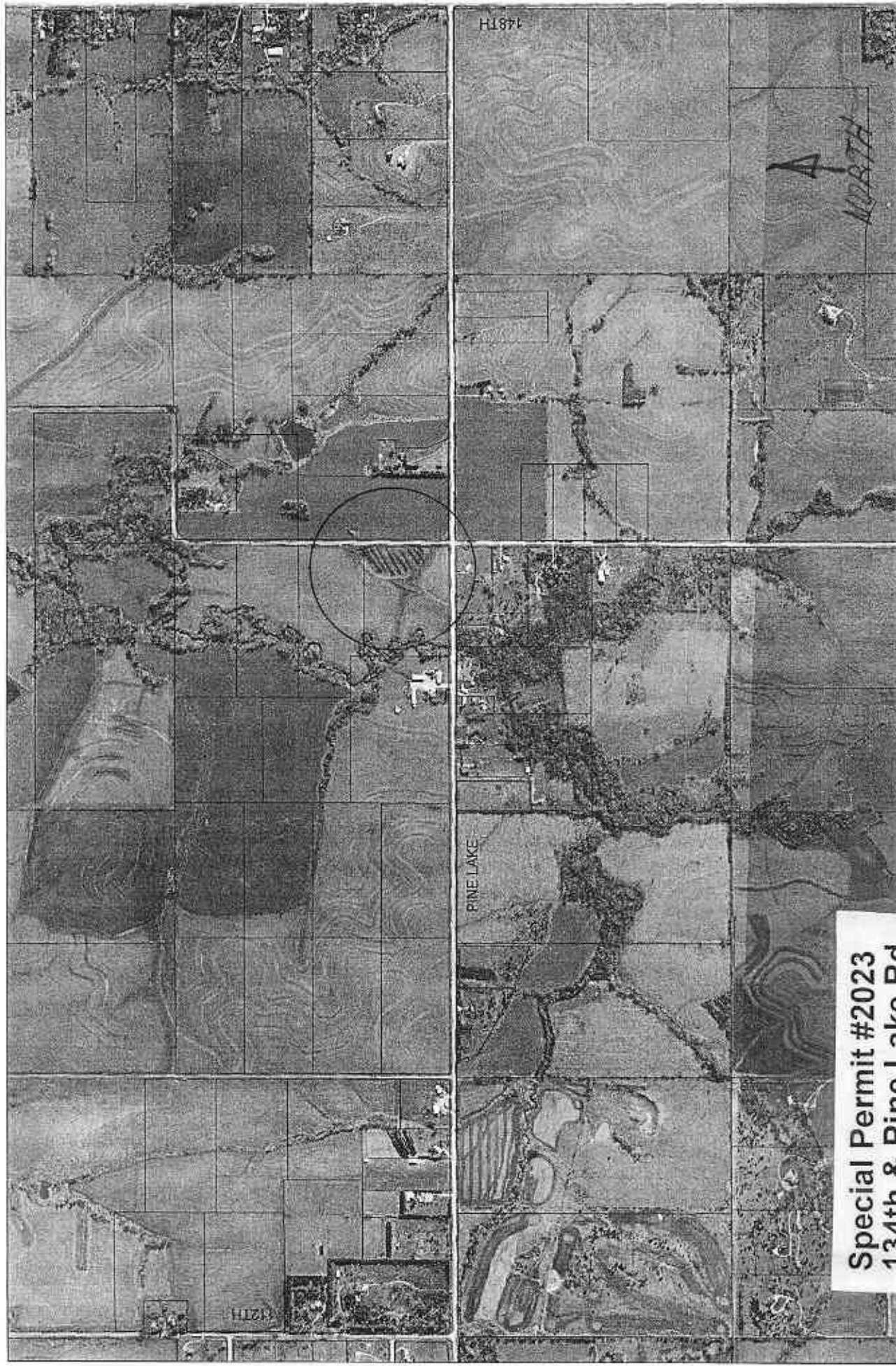
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Special Permit #2023
134th & Pine Lake Rd.

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A



Special Permit #2023
134th & Pine Lake Rd.

A
NORTH

H1271



July 8, 2003

Mr. Mike Dekalb
Lincoln/Lancaster County Planning Dept.
555 South 10th Street, Room 213
Lincoln, NE 68502

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512
Phone (402) 421-2500
Fax (402) 421-7096
Email: lyle@espeng.com

Re: Borrow Site Permit at 134th & Pine Lake Road
For LeGrande Excavation, Inc.

Dear Mr. Dekalb:

Enclose please find the Ownership Certificate and 12 copies of the revised Site Plan for the borrow site located at 134th and Pine Lake Road for your distribution and review. I have revised the plan to include Lots 23 and 24 per our discussion.

It is my understanding that the Permit Application Form is already in your possession.

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Smith', written over a horizontal line.

Dale Smith, PE
CC: LeGrande Excavation

JUL - 8 2003

Lincoln/Lancaster County
PLANNING DEPARTMENT



2023

6-15-03

June 13, 2003

Mr. Mike Dekalb
Lincoln/Lancaster County Planning Dept.
555 South 10th Street, Room 213
Lincoln, NE 68502

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

Re: Borrow Site Permit at 134th & Pine Lake Road
For LeGrande Excavation, Inc.

Dear Mr. Dekalb:

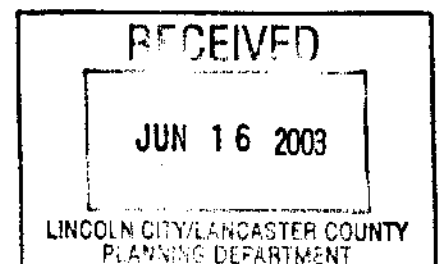
Enclose are 12 copies of the revised Permit Application form for the borrow site located at 134th and Pine Lake Road for your distribution and review. I have revised the form to include Lots 23 and 24 in the legal description per our telephone conversation today.

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Smith', is written over a horizontal line.

Dale Smith, PE
CC: LeGrande Excavation





April 22, 2003

Mr. Mike Dekalb
Lincoln/Lancaster County Planning Dept.
555 South 10th Street, Room 213
Lincoln, NE 68502

LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512
Phone (402) 421-2500
Fax (402) 421-7096
Email: lyle@espeng.com

Re: Borrow Site Permit at 134th & Pine Lake Road
For LeGrande Excavation, Inc.

Dear Mr. Dekalb:

Enclose are 12 copies of the grading plan and the Permit Application form for the borrow site located at 134th and Pine Lake Road for your distribution and review.

Also included is a check in the amount of \$585.00 for the permit fee.

Please call if you have any questions.

Sincerely,

Dale Smith, PE

ESP INC.
JUL 18 2003
[Signature]

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: May 23, 2003

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: LeGrande Excavation
SP #2023

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following items noted:

- The site plan indicates that equipment will be stored onsite. The application does not indicate whether or not fuels will be stored on site. If fuels will be stored onsite, the LLCHD recommends the installation of secondary containment for fuel storage tanks.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- If trees or brush will be removed prior to the soil mining operation, the applicant will need to plan for disposal of tree or brush waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR

DATE: July 14, 2003

TO: Mike DeKalb
Project Planner

FROM: Larry V. Worrell
County Surveyor

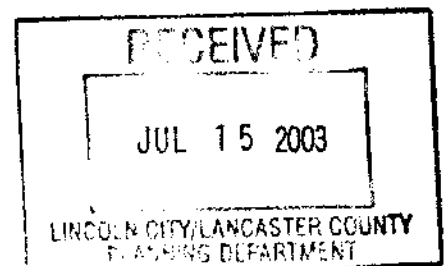
SUBJECT: **REVISED** - SPECIAL PERMIT NO. 2023 - SOIL EXTRACTION
134TH STREET & PINE LAKE ROAD

Upon review, this office would have the following comments:

- 1) Due to the close proximity of homes to Pine Lake Road, this office would not recommend the use of Pine Lake Road from South 112th to South 134th Streets as a primary route.
- 2) This office would recommend as a first choice route of Pine Lake Road from 134th to 148th Streets, then south on 148th Street to Highway 2, then east to the job site.
- 3) The alternative would be 134th Street, south to Highway 2, then to the job site via Highway 2.
- 4) Applicant will be required to provide dust control mainly in areas of residents. In the event dust control is needed for the route, applicant shall be responsible.
- 5) Maintenance of the County road may be required on a daily basis. In the event, parts of the designated route should begin to fail, steps are to be taken by the applicant to stabilize the area.

LVW/cm

SPECIAL PERMITS/REVISED 134th St. & Pine Lake Rd.Memo



Memorandum

Date: June 11, 2003
To: Mike DeKalb, Planning Dept.
From: J.B. Dixon, Stormwater Specialist, Lower Platte South Natural Resources District
Subject: LeGrande Excavation, S.P. #2023

We have reviewed the plans of the project above. I met with representatives from LeGrande Excavating in the fall of 2002 on the site, to discuss various components that would be needed for their Stormwater Pollution Prevention Plan, when Building & Safety Dept. informed them that an NPDES Permit was needed for the site. Prior to when the site was shut down due to the lack of a Special Permit, some of the Best Management Practices that were discussed with them were installed on the site. As of now, an NPDES Permit for the excavation site will still need to be filed through our office.

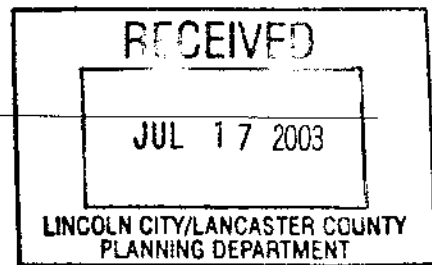
If you have any questions, feel free to call.

M e m o r a n d u m

To: Mike DeKalb, Planning Dept.
From: ^{SB} Bruce Briney, Public Works and Utilities
Subject: Special Permit #2023, Soil Extraction at 134th Street and Pine Lake Road
Date: May 20, 2003
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit #2023 for soil extraction at 134th Street and Pine Lake Road. Public Works has no objection to this application.

M e m o r a n d u m



To: Mike DeKalb, Planning Department
From: Charles W. Baker, Public Works and Utilities *BWB*
Subject: Mining Permit @ 134th & Pine Lake Road
Date: July 16, 2003
cc: Randy Hoskins
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed mining permit located on the west side of South 134th Street, north of Pine Lake Road. Public Works has no objections.

Devin L Biesecker
07/02/03 09:04 AM

To: Michael V Dekalb/Notes@Notes
cc:
Subject: Brandt Excavating

Mike,

Sorry for the late comments but it appears that they are not in a floodplain (just north of it) and there are no wetlands on this site or adjacent to it. So I don't have any other comments I can think of.

Devin Biesecker
Watershed Management
City of Lincoln Public Works
441-4955